

CITY OF MIAMI BEACH

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COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: May 18, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **REPORT OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE
MEETING OF APRIL 26, 2005.**

A meeting of the Neighborhood/Community Affairs Committee was held on Tuesday, April 26, 2005 at 2:30 p.m. in the City Manager's Large Conference Room. Mayor and Commissioners in attendance: Mayor David Dermer, Matti Herrera Bower, Saul Gross, Jose Smith. City staff in attendance: Robert C. Middaugh, Assistant City Manager; Vivian P. Guzman, Department Director – Neighborhood Services; Jimmy McMillion, Special Projects Coordinator – Neighborhood Services Department; Floyd Jordan, Fire Chief; Donald Papy, Chief Deputy City Attorney; Robert Datorre, Assistant City Attorney; Jean Olin, Deputy City Attorney; Gus Lopez, Procurement Division Director; Deborah Turner, First Assistant City Attorney; Nannette Rodriguez, Public Information Officer; Chris Parrino, Fire Division Chief; Mario Martinez, Police Officer; John Heffernan, Dolores Mejia, Margarita Alcon, Esther Perez-Trujillo, Office of the Mayor and Commission; Randi MacBride, Neighborhood Services Department. Others in attendance are listed in the attached sign-in sheet.

- 1. DISCUSSION REGARDING AN ORDINANCE AMENDING MIAMI BEACH CITY CODE CHAPTER 2, ARTICLE VII, DIVISION 5 THEREOF ENTITLED "CAMPAIGN FINANCE REFORM" BY AMENDING CODE SECTIONS 2-487 ENTITLED "PROHIBITED CAMPAIGN CONTRIBUTIONS BY VENDORS", 2-488 ENTITLED "PROHIBITED CAMPAIGN CONTRIBUTIONS BY LOBBYISTS ON PROCUREMENT ISSUES", SECTION 2-489 ENTITLED "PROHIBITED CAMPAIGN CONTRIBUTIONS BY REAL ESTATE DEVELOPERS", AND SECTION 2-490 ENTITLED "PROHIBITED CAMPAIGN CONTRIBUTIONS BY LOBBYISTS ON REAL ESTATE DEVELOPMENT ISSUES", BY ADDING LANGUAGE PROVIDING THAT THE 12 MONTH PERIOD IN WHICH A PROHIBITED DONOR OF A CAMPAIGN CONTRIBUTION IS DISQUALIFIED FROM CERTAIN SPECIFIED ASSOCIATIONS WITH THE CITY SHALL COMMENCE UPON A FINAL FINDING OF VIOLATION, OR IF APPLICABLE, UPON MIAMI BEACH CITY COMMISSION ACTION ON A WAIVER REQUEST; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

Action: The Committee moved to bring this item to the next meeting of the full City Commission with some revisions/additions in language to the ordinance as follows:

- Maintain existing waiver language within the vendor ordinance and add language

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Date 5-18-05

calling for a limited waiver option.

- Add to all four ordinances of the campaign finance reform language providing for the twelve month disqualification period for violations to be triggered from the date of the finding of violation, not from the date the donee/candidate is sworn in.

2. DISCUSSION REGARDING AN ORDINANCE AMENDING CHAPTER 70 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "MISCELLANEOUS OFFENSES," TO CREATE ARTICLE VI, TO BE ENTITLED "SEX OFFENDERS" AND CREATING SECTION 70-400, ENTITLED "SEX OFFENDER RESIDENCY PROHIBITION," PROVIDING FOR A PROHIBITION FROM SEX OFFENDERS CONVICTED OF CRIMES UNDER CERTAIN FLORIDA STATUTES FROM LIVING WITHIN 2500 FEET OF SPECIFIED LOCATIONS WITHIN THE CITY OF MIAMI BEACH; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

Mayor Dermer introduced the item explaining the background and intent as follows:

Currently under state law there is a 1,000 ft. separation requirement for anyone who is a convicted sex offender/predator from any public school, public bus stop, park or place where children congregate. This ordinance is just an expansion of the Florida law to 2,500 ft. The idea actually came while considering a waiver for the Convention Center, about one year ago, for an adult book/paraphernalia show. In this case, under Florida law, there is a 2,500 ft. distance separation that required the promoters of this event to request a waiver because of the Convention Center's proximity to Beach High.

Miami Beach is unique in that it is a city that is 7.5 miles long, has a median age of about 39, and a lot of children living here. When looking at the nature of this crime, after exploring the subject and speaking with experts, taking away the incidents of "Romeo and Juliet" and incest crimes, you are left with a body of pedophilia crimes that have an extraordinarily high recidivism rate. Experts seem to agree that we are looking at upwards of 90%, a very strong likelihood that these people will commit these crimes again on our children in our community.

When you take that into account along with the evidence that suggests that these perpetrators live close to their potential victims, and you combine that with stalking opportunities, it is very important for the safety of the City and the safety of children to ensure that we adopt this ordinance. By adopting this, the City will send a very strong message about how Miami Beach feels about this particular crime.

The enforcement issues are ones that have to be narrowly tailored. Under the ordinance we are looking at, there is a maximum penalty of a misdemeanor, 60 days. Our local law enforcement people do know the offenders that are probably the most likely and most dangerous people that are living in the community and have been doing their job watching them but this gives local law enforcement an extra tool in their ability to enforce this law. They will continue to work with FDLE and the Department of Corrections. There also is legislation coming up in Tallahassee that all of us support relating to longer sentencing and lifetime monitoring.

This is a good ordinance and it is good that Miami Beach is leading the way on this ordinance and I encourage the committee to accept it.

Commissioner Gross stated that with regards to the pedophile section; the more we can do the better and asked if this addresses the "Romeo and Juliet" cases.

Mayor Dermer explained that this is strictly cases involving victims under 16 years old. We tracked some of the criminal statutes in the state. Robert Datorre concurred that 794.065 was the main statute that was tracked and that we incorporated some portions of the Conditional Release statute which is 947.1405 but the 794.065 provided the "under 16" victim requirement. It also provided the types of offenses that were required. That was with the 1,000 ft. separator and therefore we extended it to 2,500 ft.

Commissioner Smith wanted to be clear as to what age the enforceability of the ordinance would be triggered.

Robert Datorre explained that the ordinance would apply only when the victim is under 16 years of age.

Commissioner Bower asked if "rape" can be included.

Mayor Dermer explained that if the City is going to be challenged on it, paralleling the state statute to the best of our ability is the right way to go. The state statute has been in effect since October 2004.

Robert Datorre stated that the Conditional Release statute has been in force longer than that.

Commissioner Smith asked if anyone has asserted a challenge to the state statute yet.

Robert Datorre explained that statute 794.065 has not been challenged, however, the Conditional Release has been challenged on vagueness and constitutional grounds but since it is a portion of the release of the offender and they agree to it, it is court ordered as opposed to just being statutorily imposed the courts have upheld it. Of the challenges brought so far, the statute has been sustained.

Commissioner Gross asked for an explanation regarding the penalty if the offender is found to be living in violation of this ordinance and if there is any type of fine involved.

Mayor Dermer responded that there is a punishment of up to 60 days in jail and that the penalties are up to the judge. Fines can be levied. Robert Datorre added that any subsequent offense under the ordinance will bring up to 12 months.

Commissioner Smith questioned if this would go into effect as of October 2004 or when it is passed or even earlier.

Robert Datorre explained that the effective date is essentially up to the Commission. It may be best to use the effective date of the ordinance so that any people convicted after whatever date, our ordinance takes effect are subject to this.

It would prohibit new offenders from coming in to the prohibited areas allowing the police department to concentrate enforcement efforts on those that are already being tracked.

Commissioner Bower questioned if this ordinance would allow the City to deny an existing offender that may already live here the ability to move to another location within the newly created prohibited area.

Robert Datorre explained that the ordinance, as it exists now, only discusses when the conviction was imposed. If the conviction is prior to the effective date of the ordinance, then that offender can move into and within the city.

Commissioner Gross asked why it isn't based on when the offender moves to the city.

Robert Datorre explained there would be the possibility of an ex-post facto challenge to the law. Since this would be making an additional crime and punishment on something that has already been committed and convicted. By providing an effective date that only applies to those that are convicted after the effective date of the ordinance that challenge would be eliminated. He also addressed Commissioner Bower's question that if the offender is convicted of another such crime after the effective date of the ordinance, then the subsequent conviction would be covered.

Commissioner Smith would like an addition of a civil component for landlord responsibility.

Robert Datorre stated that this would avoid an ex-post facto challenge for the person convicted prior because the ordinance effective date because the ordinance does not direct the person convicted of the crime, instead it is directed to the landlord.

Mayor Dermer asked that Mr. Datorre work together with Commissioner Smith to create an amendment to add some responsibility to the landlord.

Action: The Committee moved to approve the ordinance and bring to the full City Commission meeting scheduled for May 18, 2005 for second reading.

3. DISCUSSION REGARDING AUTOMATED EXTERNAL DEFIBRILLATORS.

Commissioner Jose Smith introduced the item and discussed the drafted ordinance. The ordinance discussed would make it mandatory for some businesses to have a defibrillator. Commissioner Smith further stated that this is an effective tool for saving lives. The cost for each defibrillator is approximately \$1,000 and should be placed in gyms, restaurants, Convention Center, and City Hall. The City should consider making defibrillators mandatory like fire extinguishers.

Commissioner Bower inquired if the community had been surveyed.

Commissioner Gross interjected that a 100 seat restaurant is going to capture too many restaurants as Lincoln Road has sidewalk cafes with 60 or 70 seats just outside.

Deborah Turner stated that current draft ordinance was patterned after the Westin ordinance.

Mr. Elliot Fisch and Mr. Bruce Cousins of AED made a presentation on the defibrillators, Life Line, sold by his company.

Commissioner Gross asked how you can tell if someone is experiencing Sudden Cardiac Arrest.

Mr. Fisch responded that the system will not operate unless someone is in Sudden Cardiac Arrest.

Commissioner Gross expressed concerned about the liability to the businesses that install a defibrillator.

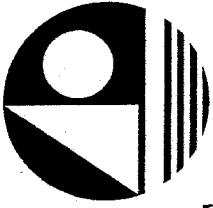
Action: The Committee moved to amend the ordinance to limit the defibrillators to public city buildings, large condos, hotels and restaurants with 200 seats or more and return the item to the Neighborhood/Community Affairs Committee meeting.

4. DISCUSSION REGARDING RECOMMENDATION FROM THE ART IN PUBLIC PLACES COMMITTEE TO AMEND THE NAMING OF PUBLIC FACILITIES AND ESTABLISHMENT OF MONUMENTS OR MEMORIALS ORDINANCE, SPECIFICALLY REGARDING PROCEDURES FOR REVIEWING PROPOSALS AND REQUESTS FOR MONUMENTS AND MEMORIALS.

Action: Item deferred to the next Neighborhood/Community Affairs Committee meeting.

JMG\RCM\JJM\rfm

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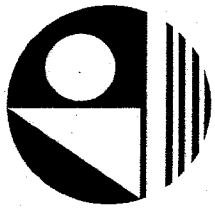
**CITY OF MIAMI BEACH
NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE**

APRIL 26, 2005

SIGN-IN SHEET

PLEASE PRINT LEGIBLY

NAME	ORGANIZATION / DEPT.	PHONE NO.	FAX / EMAIL
Joe Fontana	M.B. Condo Alliance	861 0057	
Chris Parrino	MBFD	673-7130	673-7257
Tammy Young	Resident		
Elliott Fisch	AED Now!	888-241-9277	e-fische@ednow.com
Bruce Krens	AED Now!	888-211-0151	BRUSE@EDNOW.COM
Dolores Mejia	CMB-Mayor & Comm.	673-7103	673-7096
Margarita Aleman	CMB-Mayor & Comm.	6437	7096
Beth Perez-Trojillo	" "	6528	7096
Mario elBaztiwez	Miami Beach P.D.	5177	
Donald Papay	City Atty's Office	7470	



CITY OF MIAMI BEACH
NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE

APRIL 26, 2005

SIGN-IN SHEET

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NAME	ORGANIZATION / DEPT.	PHONE NO.	FAX /EMAIL
Robert Dator	CITY LEGAL	6858	
JOHN HEFFERNAN	MAYOR'S OFFICE	6457	
Courtesy Dee Rii	Unionian Network		
Vannette Rodriguez	CMB	6417	
Floyd Jordan	Fire Dept.	7120	
Quincy (Patcher)	President	305 538-1420	305 538-1186
Joel Smith	CMB	305-673-7106	
Gus Lopez	procurement	6641	
Mark Scopetta	Student		
Mathew Gomez			

Saul Gross
 Vinson Guzman



APRIL 26, 2005

SIGN-IN SHEET

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South Beach Hotel and Restaurant Association

407 Lincoln Road – Suite # 12 H – Miami Beach, Florida 33139

Phone (305) 673-0440 Fax (305) 673-9910

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Neighborhood/Community Affairs Committee
City of Miami Beach

April 26th, 2005

Re: Proposed “Sex Offender Residency Prohibition” Ordinance

Dear Committee Members;

The Mayor’s recent proposal to prohibit sex offenders from residing within 2,500 feet of any Miami Beach school or playground, etc., while I am sure well intended, does however raise several concerns as to its implementation, as follows:

Setting aside for the moment the issue of just what a sex offender is, I will focus only on the residency prohibition itself. When this matter was discussed at the April 20th Commission meeting, Commissioner Bower asked if the prohibition meant that landlords will need to get approval from the police department before they can rent to tenants. The answer from the Mayor was yes.

Question: If passed, wouldn’t this prohibition need to apply to existing as well as prospective tenants? (equal enforcement) And what about homeowners or homebuyers?

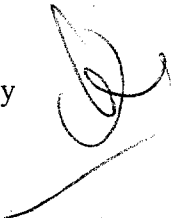
These question were not asked, but it would seem to follow that a prohibition that applied to the residency of a tenant must also apply to the residency of a property owner, and this would mean that anyone wanting to own a home on Miami Beach (or already owning a home here) that was within 2,500 feet of a school or playground would need to be subjected to a police back-ground check, as would all members of the household.

The requirement for police approval would also seem to apply equally to real estate agents as well as landlords, and would require real estate agents to obtain police department approval of a prospective buyer or tenant before they could sell or rent a home or a condo within 2,500 feet of a school or playground.

And most importantly for our hospitality industry, what about people who rent rooms in hotels? Because we are a resort town, and rent rooms and apartments to visitors - some for a few days and some for a few months - will our hotels within 2,500 feet of a school or playground be required to obtain police department approval of each hotel guest? Carried to its logical conclusion, the answer would seem to be yes.

I think that this prohibition could have serious ramifications that would render it unenforceable or unconstitutional, and I urge you to carefully evaluate the consequences of its application before adopting it.

Yours truly,
David Kelsey



SEX OFFENDER STATUTES

Statutes applicable to our ordinance.

- **§794.011, Fla. Stat. "Sexual battery."**

Sexual batter is "oral, anal, or vaginal penetration by, or union with, the sexual organ or another or the anal or vaginal penetration of another by any other object; however, sexual battery does not include an act done for a bona fide medical purpose."

- **§800.04, Fla. Stat. "Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age."**

"(4) Lewd or lascivious battery.--A person who:

(a) Engages in sexual activity with a person 12 years of age or older but less than 16 years of age; or

(b) Encourages, forces, or entices any person less than 16 years of age to engage in sadomasochistic abuse, sexual bestiality, prostitution, or any other act involving sexual activity commits lewd or lascivious battery"

"(5) Lewd or lascivious molestation.—

(a) A person who intentionally touches in a lewd or lascivious manner the breasts, genitals, genital area, or buttocks, or the clothing covering them, of a person less than 16 years of age, or forces or entices a person under 16 years of age to so touch the perpetrator, commits lewd or lascivious molestation."

"(6) Lewd or lascivious conduct.—

"(a) A person who:

1. Intentionally touches a person under 16 years of age in a lewd or lascivious manner; or
2. Solicits a person under 16 years of age to commit a lewd or lascivious act commits lewd or lascivious conduct."

"(7) Lewd or lascivious exhibition.—

"(a) A person who:

1. Intentionally masturbates;
2. Intentionally exposes the genitals in a lewd or lascivious manner; or
3. Intentionally commits any other sexual act that does not involve actual physical or sexual contact with the victim, including, but not limited to, sadomasochistic abuse, sexual

bestiality, or the simulation of any act involving sexual activity in the presence of a victim who is less than 16 years of age, commits lewd or lascivious exhibition.

(b) A person who:

1. Intentionally masturbates;
2. Intentionally exposes the genitals in a lewd or lascivious manner; or
3. Intentionally commits any other sexual act that does not involve actual physical or sexual contact with the victim, including, but not limited to, sadomasochistic abuse, sexual bestiality, or the simulation of any act involving sexual activity live over a computer on-line service, Internet service, or local bulletin board service and who knows or should know or has reason to believe that the transmission is viewed on a computer or television monitor by a victim in this state who is less than 16 years of age, commits lewd or lascivious exhibition. The fact that an undercover operative or law enforcement officer was involved in the detection and investigation of an offense under this paragraph shall not constitute a defense to a prosecution under this paragraph."

"(8) Exception.--A mother's breastfeeding of her baby does not under any circumstance constitute a violation of this section."

- **§827.071, Fla. Stat. "Sexual performance by a child"**

"(2) A person is guilty of the use of a child in a sexual performance if, knowing the character and content thereof, he or she employs, authorizes, or induces a child less than 18 years of age to engage in a sexual performance or, being a parent, legal guardian, or custodian of such child, consents to the participation by such child in a sexual performance."

"(3) A person is guilty of promoting a sexual performance by a child when, knowing the character and content thereof, he or she produces, directs, or promotes any performance which includes sexual conduct by a child less than 18 years of age.

"(4) It is unlawful for any person to possess with the intent to promote any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, includes any sexual conduct by a child. The possession of three or more copies of such photograph, motion picture, representation, or presentation is prima facie evidence of an intent to promote.

"(5) It is unlawful for any person to knowingly possess a photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, he or she knows to include any sexual conduct by a child. The possession of each such photograph, motion picture, exhibition, show, representation, or presentation is a separate offense."

- **§847.0145, Fla. Stat. “Selling or buying of minors.”**

“(1) Any parent, legal guardian, or other person having custody or control of a minor who sells or otherwise transfers custody or control of such minor, or offers to sell or otherwise transfer custody of such minor, either:

(a) With knowledge that, as a consequence of the sale or transfer, the minor will be portrayed in a visual depiction engaging in, or assisting another person to engage in, sexually explicit conduct; or

(b) With intent to promote either:

1. The engaging in of sexually explicit conduct by such minor for the purpose of producing any visual depiction of such conduct; or

2. The rendering of assistance by the minor to any other person to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct;

(2) Whoever purchases or otherwise obtains custody or control of a minor, or offers to purchase or otherwise obtain custody or control of a minor, either:

(a) With knowledge that, as a consequence of the purchase or obtaining of custody, the minor will be portrayed in a visual depiction engaging in, or assisting another person to engage in, sexually explicit conduct;

(b) With intent to promote either:

1. The engaging in of sexually explicit conduct by such minor for the purpose of producing any visual depiction of such conduct; or

2. The rendering of assistance by the minor to any other person to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct.”

- **§947.1405, Fla. Stat. “Conditional Release”**

“(2) Any inmate who:

(a) Is convicted of a crime committed on or after October 1, 1988, and before January 1, 1994, and any inmate who is convicted of a crime committed on or after January 1, 1994, which crime is or was contained in category 1, category 2, category 3, or category 4 of

Rule 3.701 and Rule 3.988, Florida Rules of Criminal Procedure (1993), and who has served at least one prior felony commitment at a state or federal correctional institution;

(b) Is sentenced as a habitual or violent habitual offender or a violent career criminal pursuant to s. 775.084; or,

(c) Is found to be a sexual predator under s. 775.21 or former s. 775.23,”

Subject to (among others):

- Mandatory Curfew, 10pm – 6am, or other 8 hour period designated by parole commission if employment so requires.
 - If victim under 18, prohibited from living within 1000 ft. of school, day care center, park, playground designated public school bus stop, or other place where children regularly congregate.”
- **§794.065, Fla. Stat. “Unlawful place of residence for persons convicted of certain sex offenses.”**
“unlawful for any person who has been convicted of a violation of s. 794.011, s. 800.04, s. 827.071, or s. 847.0145, regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age, to reside within 1,000 feet of any school, day care center, park, or playground.”
- **§775.21, Fla. Stat. “Florida Sexual Predators Act”**
See attached.

Sexual Predators Status Qualifiers and Obligations

The designation of a person as a sexual predator is neither a sentence nor a punishment but simply a status resulting from the conviction of certain crimes.

What Constitutes a Sexual Predator?

There are two paths of qualifying as a sexual predator in the state of Florida: One way is to commit (on or after October 1, 1993) one of the several "one is enough" sexual predator offenses. The second is to commit a "second strike" sexual predator offense (on or after October 1, 1993) after having previously been found to have committed one or more of certain other listed sexual offenses.

In either instance, a written finding designating the qualifying individual as a "sexual predator" must be issued from the court to establish the designation of "Sexual Predator."

For purposes of determining qualifying offenses for sexual predator status, "conviction" means a determination of guilt, which is the result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld. A conviction for a similar offense includes, but is not limited to, a conviction by a federal or military tribunal, including courts-martial conducted by the Armed Forces of the United States, and includes a conviction in any state of the United States.

Sexual Predators Status Qualifiers and Obligations 1

**Sexual Predators
Status Qualifiers and Obligations**

**The "One is Enough"
Predator Qualifying Offense**

A sexual predator is any person who has been convicted or is found to have committed, regardless of adjudication, or who plead nolo contendere or guilty to any of the following offenses which occurred **ON or AFTER October 1, 1993:**

Capital, Life, or First degree Felony	s. 787.01	Kidnapping of a child under the age of 13, aggravating circumstances. <i>Where the victim is a minor and the defendant is not the victim's parent</i>
	s. 787.02	False imprisonment of a child under the age of 13, aggravating circumstances. <i>Where the victim is a minor and the defendant is not the victim's parent</i>
	s. 794	Sexual Battery
	s. 847.0145	Selling or buying of minors for portrayal in a visual depiction engaging in sexually explicit conduct.
<u>Attempt</u> to commit a Capital, Life or First degree Felony	s.794	Sexual Battery Where the victim is a minor
<u>Or Any violation of a similar law of another jurisdiction.</u>		

Sexual Predators Status Qualifiers and Obligations 2

Sexual Predators Status Qualifiers and Obligations

The "Second Strike" Predator Qualifying Offense

A sexual predator is any person who has been convicted or is found to have committed **On or After October 1, 1993** any offense, regardless of adjudication, or who pleads nolo contendere or guilty to any of these offenses *:

Second-degree or greater Felony	s. 787.01	Kidnapping of a child under the age of 13, aggravating circumstances. <i>Where the victim is a minor and the defendant is not the victim's parent</i>
	s. 787.02	False imprisonment of a child under the age of 13, aggravating circumstances. <i>Where the victim is a minor and the defendant is not the victim's parent</i>
	s. 794	Sexual Battery
	s. 796.03	Procuring a person under the age of 18 for prostitution.
	s. 800.04	Lewd, lascivious, or indecent assault or act upon or in the presence of a child.
	s.825.1025(2)(b)	Lewd or lascivious battery upon an elderly person or disabled adult.
	s. 827.071	Child Abuse, employ, consent, promote, etc., sexual performance by a child.
	s. 847.0145	Selling or buying of minors for portrayal in a visual depiction engaging in sexually explicit conduct.
Or A violation of a similar law of another jurisdiction		

AND** the offender has ***previously been convicted of or found to have committed or has pled nolo contendere or guilty to, regardless of adjudication, any violation of:

787.01	Kidnapping of a child under the age of 13, aggravating circumstances. <i>Where the victim is a minor and the defendant is not the victim's parent</i>
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Sexual Predators Status Qualifiers and Obligations

787.02	False imprisonment of a child under the age of 13, aggravating circumstances <i>Where the victim is a minor and the defendant is not the victim's parent.</i>
794.011 (2)	Sexual battery with injury child under 12 years of age.
794.011 (3)	Sexual battery upon person 12 or older with threats of deadly weapon or physical force.
794.011 (4)	Sexual battery on 12 year old or older (various circumstances).
794.011 (5)	Sexual battery upon 12 year old or older without serious personal injury.
794.011 (8)	Solicit or engage in sexual battery by person in familial or custodial authority on a person under 18.
794.023	Sexual Battery by multiple perpetrators.
796.03	Procuring person under 18 for prostitution.
800.04	Lewd, lascivious, or indecent assault or act upon or in the presence of a child.
825.1025	Lewd or lascivious battery upon an elderly person or disabled adult.
827.071	Child Abuse: employ, consent to, promote, etc., sexual performance by a child.
847.0133	Sell, give away etc. obscene material to a minor.
847.0135	Computer pornography.
847.0145	Selling or buying of minors for portrayal in a visual depiction engaging in sexually explicit conduct.
Or A violation of a similar law of another jurisdiction.	

Provided that:

- ❖ The Offender has not received, for the qualifying offense(s), a pardon for any felony or similar relief from another jurisdiction
- ❖ A conviction of the felony or similar law of another jurisdiction has not been set aside in any postconviction proceeding.
- ❖ In order to be counted as the prior offense, the felony must have resulted in a conviction sentenced separately, or adjudication of

Sexual Predators Status Qualifiers and Obligations 4

**Sexual Predators
Status Qualifiers and Obligations**

delinquency entered separately, prior to the current offense and sentenced or adjudicated separately from any other felony conviction that is to be counted as a prior felony. If the offender's prior enumerated felony was committed more than 10 years before the primary offense, it shall not be considered a prior felony if the offender has not been convicted of any other crime for a period of 10 consecutive years from the most recent date of release from confinement, supervision, or sanction, whichever is later.

**Sexual Predators
Status Qualifiers and Obligations**

Sexual Predator Obligations

Sexual predators:

- Who have registered as required under s. 775.21 are exempt from convicted felon registration as defined by s. 775.13.
- Are subject to community and public notification.
- Must register with the Florida Department of Law enforcement (FDLE) (through the sheriff's office an FDLE office, the Department of Corrections, the custodian of a local jail or a federal supervision office) within 48 hours after establishing permanent or temporary residence in this state.
- Who are not incarcerated and who reside in the community (including those under the supervision of the Department of Corrections) must - within 48 hours of initial registration - present proof of initial registration as a predator in person at the DHSMV and secure or renew a driver's license or identification card.
- Must report in person any change in permanent or temporary residence to DHSMV within 48 hours.
- Must renew *in person* their driver's license or identification card when subject to renewal.
- Must report intent to establish residence in another state to the sheriff or FDLE within 48 hours before the date they intend to leave Florida.
- Who indicate their intent to reside in another state or jurisdiction and later decide to remain in this state must, within 48 hours after the date upon which they indicated they would leave this state, notify the sheriff or the department, whichever agency is the agency to which they reported the intended change of residence, of their intent to remain in this state. *Failure to do so is a second-degree felony.*

Sexual Predators Status Qualifiers and Obligations 6

**Sexual Predators
Status Qualifiers and Obligations**

Sexual Predator Obligations Continued

Sexual predators:

- Must maintain registration with the department for the duration of their life, unless they have had their civil rights restored, or have received a full pardon or have had a conviction set aside in a postconviction proceeding for any felony sex offense that met the criteria for the sexual predator designation.
- Who were designated a sexual predator by a court before October 1, 1998, and who have been lawfully released from confinement, supervision, or sanction, *whichever is later*, for at least 10 years and have not been arrested for any felony or misdemeanor offense since release, may petition the criminal division of the circuit court in the circuit in which they reside for the purpose of removing the sexual predator designation.
- Who were designated a sexual predator by a court on or after October 1, 1998, who have been lawfully released from confinement, supervision, or sanction, *whichever is later*, for at least 20 years, and who have not been arrested for any felony or misdemeanor offense since release may petition the criminal division of the circuit court in the circuit in which they reside for the purpose of removing the sexual predator designation.
- Who are granted relief of their predator designation, unless specified in the order, must comply with the requirements for registration as sexual offenders and other requirements provided under s. 943.0435 or s. 944.607.

**Sexual Predators
Status Qualifiers and Obligations**

Sexual Predator Obligations Continued

Sexual predators:

- Who obtain an order from the court that imposed the order designating them as a sexual predator which removes such designation, shall forward a certified copy of the written findings or order to the department in order to have the sexual predator designation removed from the sexual predator registry.
- *Who, except as otherwise specifically provided, fail to register or who fail, after registration, to maintain, acquire, or renew a driver's license or identification card or provide required location information, or who otherwise fail, by act or omission, to comply with the requirements of the Sexual Predator Act, commit a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*
- *Who have been convicted of or found to have committed, or have pled nolo contendere or guilty to, regardless of adjudication, any violation of s. 794.011(2), (3), (4), (5), or (8); s. 794.023; s. 800.04; s. 827.071; s. 847.0133; or s. 847.0145, or a violation of a similar law of another jurisdiction, when the victim of the offense was a minor, and who work, whether for compensation or as a volunteer, at any business, school, day care center, park, playground, or other place where children regularly congregate, commit a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084*

applies to any offense that is prosecuted on or after July 1, 2004.

ch. 4915, 1901; RS 2357; GS 3181, 3182; 1, ch. 16962, 1935; s. 10, ch. 26484, 1951; s. 1, ch. 75-275; s. 1, ch. 77-174; s. 12, ch. 85-63; s. 4, ch. 89-143; s. 2, ch. 95-156; s. 17, ch. 95-158; s. 139, ch. 95-418; ch. 96-322; s. 4, ch. 96-409; s. 1, ch. 97-36; s. 1, ch. 97-104; s. 17, ch. 98-174; s. 7, ch. 246; s. 1, ch. 2001-102; s. 1, ch. 2002-182.

06, 915.03, 932.465.

s; additional penalties.—In addition to the penalty provided by law, a person who is convicted of sale of or trafficking in, or possession of, a controlled substance for which the offense is a felony, or who is convicted of an offense under the laws of this state, would be convicted of selling or trafficking in, or possession of, a controlled substance under

applying for employment by the person.

Completed all sentences of any sanctions imposed by the court, or by law; or complied with the conditions of probation while the person is on probation. The person under

and enrollment in, and once again in until completion, a drug treatment and rehabilitation program which is approved by the Department of Children and Family Services, unless it is deemed by the program that the person does not have a substance abuse problem. The treatment and rehabilitation program may be specified by the court in the case of court-ordered supervi-

sion, in the case of parole, conditional release; or

Corrections, in the case of supervision required by law. Fine drug testing pursuant to the Department of Corrections, the costs shall be paid by the person.

plying for a license, permit, or other agency of the state to engage in any occupation, trade, or business, unless:

Completed all sentences of any sanctions imposed by the court, or by law; or complied with the conditions of probation while the person is on probation. If the person fails to comply with these subparagraphs by the time of testing positive, it shall notify the licensing agency, which may refuse to

reissue or reinstate such license, permit, or certification. The licensee, permittee, or certificateholder under supervision may:

1. Seek evaluation and enrollment in, and once again in until completion, a drug treatment and rehabilitation program which is approved or regulated by the Department of Children and Family Services, unless it is deemed by the program that the person does not have a substance abuse problem. The treatment and rehabilitation program may be specified by:

a. The court, in the case of court-ordered supervisory sanctions;

b. The Parole Commission, in the case of parole, conditional release, or conditional release; or

c. The Department of Corrections, in the case of imprisonment or any other supervision required by law.

2. Submit to periodic urine drug testing pursuant to procedures prescribed by the Department of Corrections. If the person is indigent, the costs shall be paid by the Department of Corrections; or

(c) The person has successfully completed an appropriate program under the Correctional Education Program.

The provisions of this section do not apply to any of the taxes, fees, or permits regulated, controlled, or administered by the Department of Revenue in accordance with the provisions of s. 213.05.

History.—s. 2, ch. 90-266; s. 21, ch. 92-310; s. 13, ch. 95-325; s. 292, ch. 99-8.

775.21 The Florida Sexual Predators Act.—

(1) **SHORT TITLE.**—This section may be cited as "The Florida Sexual Predators Act."

(2) **DEFINITIONS.**—As used in this section, the term:

(a) "Chief of police" means the chief law enforcement officer of a municipality.

(b) "Community" means any county where the sexual predator lives or otherwise establishes or maintains a temporary or permanent residence.

(c) "Conviction" means a determination of guilt which is the result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld. A conviction for a similar offense includes, but is not limited to, a conviction by a federal or military tribunal, including courts-martial conducted by the Armed Forces of the United States, and includes a conviction or entry of a plea of guilty or nolo contendere resulting in a sanction in any state of the United States or other jurisdiction. A sanction includes, but is not limited to, a fine, probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, private correctional facility, or local detention facility.

(d) "Department" means the Department of Law Enforcement.

(e) "Entering the county" includes being discharged from a correctional facility or jail or secure treatment facility within the county or being under supervision within the county for the commission of a violation enumerated in subsection (4).

(f) "Permanent residence" means a place where the person abides, lodges, or resides for 14 or more consecutive days.

(g) "Temporary residence" means a place where the person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent address; for a person whose permanent residence is not in this state, a place where the person is employed, practices a vocation, or is enrolled as a student for any period of time in this state; or a place where the person routinely abides, lodges, or resides for a period of 4 or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence, including any out-of-state address.

(h) "Institution of higher education" means a community college, college, state university, or independent postsecondary institution.

(i) "Change in enrollment or employment status" means the commencement or termination of enrollment or employment or a change in location of enrollment or employment.

(3) LEGISLATIVE FINDINGS AND PURPOSE; LEGISLATIVE INTENT.—

(a) Repeat sexual offenders, sexual offenders who use physical violence, and sexual offenders who prey on children are sexual predators who present an extreme threat to the public safety. Sexual offenders are extremely likely to use physical violence and to repeat their offenses, and most sexual offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant.

(b) The high level of threat that a sexual predator presents to the public safety, and the long-term effects suffered by victims of sex offenses, provide the state with sufficient justification to implement a strategy that includes:

1. Incarcerating sexual predators and maintaining adequate facilities to ensure that decisions to release sexual predators into the community are not made on the basis of inadequate space.

2. Providing for specialized supervision of sexual predators who are in the community by specially trained probation officers with low caseloads, as described in ss. 947.1405(7) and 948.30. The sexual predator is subject to specified terms and conditions implemented at sentencing or at the time of release from incarceration, with a requirement that those who are financially able must pay all or part of the costs of supervision.

3. Requiring the registration of sexual predators, with a requirement that complete and accurate information be maintained and accessible for use by law enforcement authorities, communities, and the public.

4. Providing for community and public notification concerning the presence of sexual predators.

5. Prohibiting sexual predators from working with children, either for compensation or as a volunteer.

(c) The state has a compelling interest in protecting the public from sexual predators and in protecting children from predatory sexual activity, and there is sufficient justification for requiring sexual predators to register and for requiring community and public notification of the presence of sexual predators.

(d) It is the purpose of the Legislature that, upon the court's written finding that an offender is a sexual predator, in order to protect the public, it is necessary that the sexual predator be registered with the department and that members of the community and the public be notified of the sexual predator's presence. The designation of a person as a sexual predator is neither a sentence nor a punishment but simply a status resulting from the conviction of certain crimes.

(e) It is the intent of the Legislature to address the problem of sexual predators by:

1. Requiring sexual predators supervised in the community to have special conditions of supervision and to be supervised by probation officers with low caseloads;

2. Requiring sexual predators to register with the Florida Department of Law Enforcement, as provided in this section; and

3. Requiring community and public notification of the presence of a sexual predator, as provided in this section.

(4) **SEXUAL PREDATOR CRITERIA.**—

(a) For a current offense committed on or after October 1, 1993, upon conviction, an offender shall be designated as a "sexual predator" under subsection (5), and subject to registration under subsection (6) and community and public notification under subsection (7) if:

1. The felony is:

a. A capital, life, or first-degree felony violation, or any attempt thereof, of s. 787.01 or s. 787.02, where the victim is a minor and the defendant is not the victim's parent, or of chapter 794, s. 800.04, or s. 847.0145, or a violation of a similar law of another jurisdiction; or

b. Any felony violation, or any attempt thereof, of s. 787.01, s. 787.02, or s. 787.025, where the victim is a minor and the defendant is not the victim's parent; chapter 794, excluding ss. 794.011(10) and 794.0235; s. 796.03; s. 800.04; s. 825.1025(2)(b); s. 827.071; or s. 847.0145; or a violation of a similar law of another jurisdiction, and the offender has previously been convicted of or found to have committed, or has pled nolo contendere or guilty to, regardless of adjudication, any violation of s. 787.01, s. 787.02, or s. 787.025, where the victim is a minor and the defendant is not the victim's parent; s. 794.011(2), (3), (4), (5), or (8); s. 794.05; s. 796.03; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135; or s. 847.0145, or a violation of a similar law of another jurisdiction;

2. The offender has not received a pardon for any felony or similar law of another jurisdiction that is necessary for the operation of this paragraph; and

3. A conviction of a felony or similar law of another jurisdiction necessary to the operation of this paragraph has not been set aside in any postconviction proceeding.

(b) In order to be counted as a prior felony for purposes of this subsection, the felony must have resulted in a conviction sentenced separately, or an adjudication of delinquency entered separately, prior to the current offense and sentenced or adjudicated separately from any other felony conviction that is to be counted as

a prior felony. If the offender's prior enumerated felony was committed more than 10 years before the primary offense, it shall not be considered a prior felony under this subsection if the offender has not been convicted of any other crime for a period of 10 consecutive years from the most recent date of release from confinement, supervision, or sanction, whichever is later.

(c) If an offender has been registered as a sexual predator by the Department of Corrections, the department, or any other law enforcement agency and if:

1. The court did not, for whatever reason, make a written finding at the time of sentencing that the offender was a sexual predator; or

2. The offender was administratively registered as a sexual predator because the Department of Corrections, the department, or any other law enforcement agency obtained information that indicated that the offender met the criteria for designation as a sexual predator based on a violation of a similar law in another jurisdiction,

the department shall remove that offender from the department's list of sexual predators and, for an offender described under subparagraph 1., shall notify the state attorney who prosecuted the offense that met the criteria for administrative designation as a sexual predator, and, for an offender described under this subparagraph, shall notify the state attorney of the county where the offender establishes or maintains a permanent or temporary residence. The state attorney shall bring the matter to the court's attention in order to establish that the offender meets the criteria for designation as a sexual predator. If the court makes a written finding that the offender is a sexual predator, the offender must be designated as a sexual predator, must register or be registered as a sexual predator with the department as provided in subsection (6), and is subject to the community and public notification as provided in subsection (7). If the court does not make a written finding that the offender is a sexual predator, the offender may not be designated as a sexual predator with respect to that offense and is not required to register or be registered as a sexual predator with the department.

(d) An offender who has been determined to be a sexually violent predator pursuant to a civil commitment proceeding under chapter 394 shall be designated as a "sexual predator" under subsection (5) and subject to registration under subsection (6) and community and public notification under subsection (7).

(5) **SEXUAL PREDATOR DESIGNATION.**—An offender is designated as a sexual predator as follows:

(a)1. An offender who meets the sexual predator criteria described in paragraph (4)(d) is a sexual predator, and the court shall make a written finding at the time such offender is determined to be a sexually violent predator under chapter 394 that such person meets the criteria for designation as a sexual predator for purposes of this section. The clerk shall transmit a copy of the order containing the written finding to the department within 48 hours after the entry of the order;

2. An offender who meets the sexual predator criteria described in paragraph (4)(a) who is before the

court for sentencing on or after October 1, 1993, the sentencing court must make a written finding at the time of sentencing that the offender is a sexual predator, and the clerk of the court shall transmit a copy of the order containing the written finding to the department within 48 hours after the entry of the order;

3. If the Department of Corrections, the department, or any other law enforcement agency obtains information which indicates or maintains a reasonable belief that the offender is a sexual predator, the department shall, within 48 hours after the offender is determined to be a sexual predator, notify the state attorney of the county where the offender establishes or maintains a permanent or temporary residence. The state attorney shall bring the matter to the court's attention in order to establish that the offender meets the criteria for designation as a sexual predator. If the court makes a written finding that the offender is a sexual predator, the offender must be designated as a sexual predator, must register or be registered as a sexual predator with the department as provided in subsection (6), and is subject to the community and public notification as provided in subsection (7). If the court does not make a written finding that the offender is a sexual predator, the offender may not be designated as a sexual predator with respect to that offense and is not required to register or be registered as a sexual predator with the department.

When the court makes a written finding that the offender is a sexual predator, the offender must be designated as a sexual predator, must register or be registered as a sexual predator with the department as provided in subsection (6), and is subject to the community and public notification as provided in subsection (7). If the court does not make a written finding that the offender is a sexual predator, the offender may not be designated as a sexual predator with respect to that offense and is not required to register or be registered as a sexual predator with the department.

(b) If a sexual predator is determined to be a sexually violent predator pursuant to a civil commitment proceeding under chapter 394, the offender must be designated as a sexual predator, must register or be registered as a sexual predator with the department as provided in subsection (6), and is subject to the community and public notification as provided in subsection (7). If the court does not make a written finding that the offender is a sexual predator, the offender may not be designated as a sexual predator with respect to that offense and is not required to register or be registered as a sexual predator with the department.

(c) If the Department of Corrections, the department, or any other law enforcement agency obtains information which indicates or maintains a reasonable belief that the offender is a sexual predator, the department shall, within 48 hours after the offender is determined to be a sexual predator, notify the state attorney of the county where the offender establishes or maintains a permanent or temporary residence. The state attorney shall bring the matter to the court's attention in order to establish that the offender meets the criteria for designation as a sexual predator. If the court makes a written finding that the offender is a sexual predator, the offender must be designated as a sexual predator, must register or be registered as a sexual predator with the department as provided in subsection (6), and is subject to the community and public notification as provided in subsection (7). If the court does not make a written finding that the offender is a sexual predator, the offender may not be designated as a sexual predator with respect to that offense and is not required to register or be registered as a sexual predator with the department.

for enumerated felony offenses before the primary offense was committed, or if the offender has not been convicted of a felony within 10 consecutive years after release from confinement, or if the offender is later.

registered as a sexual predator with the department of corrections, the department shall, for whatever reason, make a written finding that the offender is not administratively registered as a sexual predator with the department of corrections, or that the offender is not a sexual predator under the law in another jurisdiction.

When the offender from the jurisdiction of another state or foreign country is designated as a sexual predator under this section, the state attorney shall bring the matter to the court's attention in order to establish that the offender meets the sexual predator criteria. If the state attorney fails to establish that an offender meets the sexual predator criteria and the court does not make a written finding that an offender is a sexual predator, the offender is not required to register with the department as a sexual predator. The Department of Corrections, the department, or any other law enforcement agency shall not administratively designate an offender as a sexual predator without a written finding from the court that the offender is a sexual predator.

determined to be a sexual predator, the court shall make a written finding that the offender is a sexual predator under this section (6), and is not required to register with the department as a sexual predator with the department of corrections.

When the offender from the jurisdiction of another state or foreign country is designated as a sexual predator under this section, the state attorney shall bring the matter to the court's attention in order to establish that the offender meets the sexual predator criteria. If the state attorney fails to establish that an offender meets the sexual predator criteria and the court does not make a written finding that an offender is a sexual predator, the offender is not required to register with the department as a sexual predator. The Department of Corrections, the department, or any other law enforcement agency shall not administratively designate an offender as a sexual predator without a written finding from the court that the offender is a sexual predator.

When the offender from the jurisdiction of another state or foreign country is designated as a sexual predator under this section, the state attorney shall bring the matter to the court's attention in order to establish that the offender meets the sexual predator criteria. If the state attorney fails to establish that an offender meets the sexual predator criteria and the court does not make a written finding that an offender is a sexual predator, the offender is not required to register with the department as a sexual predator. The Department of Corrections, the department, or any other law enforcement agency shall not administratively designate an offender as a sexual predator without a written finding from the court that the offender is a sexual predator.

When the court makes a written finding that an offender is a sexual predator, the court shall inform the sexual predator of the registration and community and public notification requirements described in this section. Within 48 hours after the court designating an offender as a sexual predator, the clerk of the circuit court shall transmit a copy of the court's written sexual predator finding to the department. If the offender is sentenced to a term of imprisonment or supervision, a copy of the court's written sexual predator finding must be submitted to the Department of Corrections.

(b) If a sexual predator is not sentenced to a term of imprisonment, the clerk of the court shall ensure that the sexual predator's fingerprints are taken and forwarded to the department within 48 hours after the court renders its written sexual predator finding. The fingerprint card shall be clearly marked, "Sexual Predator Registration Card." The clerk of the court that convicts and sentences the sexual predator for the offense or offenses described in subsection (4) shall forward to the department and to the Department of Corrections a certified copy of any order entered by the court imposing any special condition or restriction on the sexual predator which restricts or prohibits access to the victim, if the victim is a minor, or to other minors.

(c) If the Department of Corrections, the department, or any other law enforcement agency obtains information which indicates that an offender meets the sexual predator criteria but the court did not make a written finding that the offender is a sexual predator as required in paragraph (a), the Department of Corrections, the department, or the law enforcement agency shall notify the state attorney who prosecuted the

offense for offenders described in subparagraph (a)1., or the state attorney of the county where the offender establishes or maintains a residence upon first entering the state for offenders described in subparagraph (a)3. The state attorney shall bring the matter to the court's attention in order to establish that the offender meets the sexual predator criteria. If the state attorney fails to establish that an offender meets the sexual predator criteria and the court does not make a written finding that an offender is a sexual predator, the offender is not required to register with the department as a sexual predator. The Department of Corrections, the department, or any other law enforcement agency shall not administratively designate an offender as a sexual predator without a written finding from the court that the offender is a sexual predator.

(d) A person who establishes or maintains a residence in this state and who has not been designated as a sexual predator by a court of this state but who has been designated as a sexual predator, as a sexually violent predator, or by another sexual offender designation in another state or jurisdiction and was, as a result of such designation, subjected to registration or community or public notification, or both, or would be if the person was a resident of that state or jurisdiction, shall register in the manner provided in s. 943.0435 or s. 944.607 and shall be subject to community and public notification as provided in s. 943.0435 or s. 944.607. A person who meets the criteria of this section is subject to the requirements and penalty provisions of s. 943.0435 or s. 944.607 until the person provides the department with an order issued by the court that designated the person as a sexual predator, as a sexually violent predator, or by another sexual offender designation in the state or jurisdiction in which the order was issued which states that such designation has been removed or demonstrates to the department that such designation, if not imposed by a court, has been removed by operation of law or court order in the state or jurisdiction in which the designation was made, and provided such person no longer meets the criteria for registration as a sexual offender under the laws of this state.

(6) REGISTRATION.—

(a) A sexual predator must register with the department by providing the following information to the department:

1. Name, social security number, age, race, sex, date of birth, height, weight, hair and eye color, photograph, address of legal residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box, date and place of any employment, date and place of each conviction, fingerprints, and a brief description of the crime or crimes committed by the offender. A post office box shall not be provided in lieu of a physical residential address.

a. If the sexual predator's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual predator shall also provide to the department written notice of the vehicle identification number; the license tag number; the registration number; and a description, includ-

ing color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If a sexual predator's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual predator shall also provide to the department written notice of the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

b. If the sexual predator is enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the sexual predator shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual predator's enrollment or employment status. Each change in enrollment or employment status shall be reported in person at the sheriff's office, or the Department of Corrections if the sexual predator is in the custody or control of or under the supervision of the Department of Corrections, within 48 hours after any change in status. The sheriff or the Department of Corrections shall promptly notify each institution of the sexual predator's presence and any change in the sexual predator's enrollment or employment status.

2. Any other information determined necessary by the department, including criminal and corrections records; nonprivileged personnel and treatment records; and evidentiary genetic markers when available.

(b) If the sexual predator is in the custody or control of, or under the supervision of, the Department of Corrections, or is in the custody of a private correctional facility, the sexual predator must register with the Department of Corrections. The Department of Corrections shall provide to the department registration information and the location of, and local telephone number for, any Department of Corrections office that is responsible for supervising the sexual predator. In addition, the Department of Corrections shall notify the department if the sexual predator escapes or absconds from custody or supervision or if the sexual predator dies.

(c) If the sexual predator is in the custody of a local jail, the custodian of the local jail shall register the sexual predator and forward the registration information to the department. The custodian of the local jail shall also take a digitized photograph of the sexual predator while the sexual predator remains in custody and shall provide the digitized photograph to the department. The custodian shall notify the department if the sexual predator escapes from custody or dies.

(d) If the sexual predator is under federal supervision, the federal agency responsible for supervising the sexual predator may forward to the department any information regarding the sexual predator which is consistent with the information provided by the Department of Corrections under this section, and may indicate whether use of the information is restricted to law enforcement purposes only or may be used by the department for purposes of public notification.

(e) If the sexual predator is not in the custody or control of, or under the supervision of, the Department of Corrections, or is not in the custody of a private correctional facility, and establishes or maintains a resi-

dence in the state, the sexual predator shall register in person at an office of the department, or at the sheriff's office in the county in which the predator establishes or maintains a residence, within 48 hours after establishing permanent or temporary residence in this state. Any change in the sexual predator's permanent or temporary residence or name, after the sexual predator registers in person at an office of the department or at the sheriff's office, shall be accomplished in the manner provided in paragraphs (g), (i), and (j). If a sexual predator registers with the sheriff's office, the sheriff shall take a photograph and a set of fingerprints of the predator and forward the photographs and fingerprints to the department, along with the information that the predator is required to provide pursuant to this section.

(f) Within 48 hours after the registration required under paragraph (a) or paragraph (e), a sexual predator who is not incarcerated and who resides in the community, including a sexual predator under the supervision of the Department of Corrections, shall register in person at a driver's license office of the Department of Highway Safety and Motor Vehicles and shall present proof of registration. At the driver's license office the sexual predator shall:

1. If otherwise qualified, secure a Florida driver's license, renew a Florida driver's license, or secure an identification card. The sexual predator shall identify himself or herself as a sexual predator who is required to comply with this section, provide his or her place of permanent or temporary residence, including a rural route address and a post office box, and submit to the taking of a photograph for use in issuing a driver's license, renewed license, or identification card, and for use by the department in maintaining current records of sexual predators. A post office box shall not be provided in lieu of a physical residential address. If the sexual predator's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual predator shall also provide to the Department of Highway Safety and Motor Vehicles the vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If a sexual predator's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual predator shall also provide to the Department of Highway Safety and Motor Vehicles the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

2. Pay the costs assessed by the Department of Highway Safety and Motor Vehicles for issuing or renewing a driver's license or identification card as required by this section.

3. Provide, upon request, any additional information necessary to confirm the identity of the sexual predator, including a set of fingerprints.

(g)1. Each time a sexual predator's driver's license or identification card is subject to renewal, and, without regard to the status of the predator's driver's

license or identical change of the predator's name by process, the predator shall appear at the license office and sign a statement as specified in paragraph 2. Notwithstanding the Department of Highway Safety and Motor Vehicles is authorized to require a photograph or digitized photograph of sexual predators.

2. A sexual predator who is not incarcerated and who resides in the community, including a sexual predator under the supervision of the Department of Corrections, shall register in person at a driver's license office of the Department of Highway Safety and Motor Vehicles and shall present proof of registration. At the driver's license office the sexual predator shall:

1. If otherwise qualified, secure a Florida driver's license, renew a Florida driver's license, or secure an identification card. The sexual predator shall identify himself or herself as a sexual predator who is required to comply with this section, provide his or her place of permanent or temporary residence, including a rural route address and a post office box, and submit to the taking of a photograph for use in issuing a driver's license, renewed license, or identification card, and for use by the department in maintaining current records of sexual predators. A post office box shall not be provided in lieu of a physical residential address. If the sexual predator's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual predator shall also provide to the Department of Highway Safety and Motor Vehicles the vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If a sexual predator's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual predator shall also provide to the Department of Highway Safety and Motor Vehicles the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

2. Pay the costs assessed by the Department of Highway Safety and Motor Vehicles for issuing or renewing a driver's license or identification card as required by this section.

3. Provide, upon request, any additional information necessary to confirm the identity of the sexual predator, including a set of fingerprints.

al predator shall register in the department, or at the sheriff's office, if the predator establishes or resides in 48 hours after establishing residence in this state. Any predator's permanent or temporary residence in the sexual predator register shall be maintained in the department or at the sheriff's office, as completed in the manner prescribed in (i), and (j). If a sexual predator is arrested, the sheriff shall submit fingerprints of the predator to the department and fingerprints to the sheriff's office. Information that the predator provides pursuant to this section.

the registration required by paragraph (e), a sexual predator who resides in the community of the predator under the supervision of the corrections, shall register in the office of the Department of Transportation and shall present the driver's license office the

secure a Florida driver's license, or secure an al predator shall identify predator who is required provide his or her place of residence, including a rural box, and submit to the use in issuing a driver's identification card, and for obtaining current records of the box shall not be potential address. If the sexence is a motor vehicle, manufactured home, as sexual predator shall also of Highway Safety and identification number; the stration number; and a rome, of the motor vehi-manufactured home. If a idence is a vessel, live-as defined in chapter all also provide to the and Motor Vehicles the a manufacturer's serial t, live-aboard vessel, or nber; and a description, vessel, live-aboard ves-

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license or identification card, within 48 hours after any change of the predator's residence or change in the predator's name by reason of marriage or other legal process, the predator shall report in person to a driver's license office and shall be subject to the requirements specified in paragraph (f). The Department of Highway Safety and Motor Vehicles shall forward to the department and to the Department of Corrections all photographs and information provided by sexual predators. Notwithstanding the restrictions set forth in s. 322.142, the Department of Highway Safety and Motor Vehicles is authorized to release a reproduction of a color photograph or digital-image license to the Department of Law Enforcement for purposes of public notification of sexual predators as provided in this section.

2. A sexual predator who vacates a permanent residence and fails to establish or maintain another permanent or temporary residence shall, within 48 hours after vacating the permanent residence, report in person to the department or the sheriff's office of the county in which he or she is located. The sexual predator shall specify the date upon which he or she intends to or did vacate such residence. The sexual predator must provide or update all of the registration information required under paragraph (a). The sexual predator must provide an address for the residence or other location that he or she is or will be occupying during the time in which he or she fails to establish or maintain a permanent or temporary residence.

3. A sexual predator who remains at a permanent residence after reporting his or her intent to vacate such residence shall, within 48 hours after the date upon which the predator indicated he or she would or did vacate such residence, report in person to the agency to which he or she reported pursuant to subparagraph 2. for the purpose of reporting his or her address at such residence. If the sheriff receives the report, the sheriff shall promptly convey the information to the department. An offender who makes a report as required under subparagraph 2. but fails to make a report as required under this subparagraph commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(h) If the sexual predator registers at an office of the department, the department must notify the sheriff and the state attorney of the county and, if applicable, the police chief of the municipality, where the sexual predator maintains a residence within 48 hours after the sexual predator registers with the department.

(i) A sexual predator who intends to establish residence in another state or jurisdiction shall report in person to the sheriff of the county of current residence or the department within 48 hours before the date he or she intends to leave this state to establish residence in another state or jurisdiction. The sexual predator must provide to the sheriff or department the address, municipality, county, and state of intended residence. The sheriff shall promptly provide to the department the information received from the sexual predator. The department shall notify the statewide law enforcement agency, or a comparable agency, in the intended state or jurisdiction of residence of the sexual predator's intended residence. The failure of a sexual predator to

provide his or her intended place of residence is punishable as provided in subsection (10).

(j) A sexual predator who indicates his or her intent to reside in another state or jurisdiction and later decides to remain in this state shall, within 48 hours after the date upon which the sexual predator indicated he or she would leave this state, report in person to the sheriff or the department, whichever agency is the agency to which the sexual predator reported the intended change of residence, of his or her intent to remain in this state. If the sheriff is notified by the sexual predator that he or she intends to remain in this state, the sheriff shall promptly report this information to the department. A sexual predator who reports his or her intent to reside in another state or jurisdiction, but who remains in this state without reporting to the sheriff or the department in the manner required by this paragraph, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(k)1. The department is responsible for the on-line maintenance of current information regarding each registered sexual predator. The department must maintain hotline access for state, local, and federal law enforcement agencies to obtain instantaneous locator file and offender characteristics information on all released registered sexual predators for purposes of monitoring, tracking, and prosecution. The photograph and fingerprints do not have to be stored in a computerized format.

2. The department's sexual predator registration list, containing the information described in subparagraph (a)1., is a public record. The department is authorized to disseminate this public information by any means deemed appropriate, including operating a toll-free telephone number for this purpose. When the department provides information regarding a registered sexual predator to the public, department personnel must advise the person making the inquiry that positive identification of a person believed to be a sexual predator cannot be established unless a fingerprint comparison is made, and that it is illegal to use public information regarding a registered sexual predator to facilitate the commission of a crime.

3. The department shall adopt guidelines as necessary regarding the registration of sexual predators and the dissemination of information regarding sexual predators as required by this section.

(l) A sexual predator must maintain registration with the department for the duration of his or her life, unless the sexual predator has received a full pardon or has had a conviction set aside in a postconviction proceeding for any offense that met the criteria for the sexual predator designation. However, a sexual predator who was designated as a sexual predator by a court before October 1, 1998, and who has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 10 years and has not been arrested for any felony or misdemeanor offense since release, may petition the criminal division of the circuit court in the circuit in which the sexual predator resides for the purpose of removing the sexual predator designation. A sexual predator who was designated a

sexual predator by a court on or after October 1, 1998, who has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 20 years, and who has not been arrested for any felony or misdemeanor offense since release may petition the criminal division of the circuit court in the circuit in which the sexual predator resides for the purpose of removing the sexual predator designation. The court may grant or deny such relief if the petitioner demonstrates to the court that he or she has not been arrested for any crime since release, the requested relief complies with the provisions of the federal Jacob Wetterling Act, as amended, and any other federal standards applicable to the removal of the designation as a sexual predator or required to be met as a condition for the receipt of federal funds by the state, and the court is otherwise satisfied that the petitioner is not a current or potential threat to public safety. The state attorney in the circuit in which the petition is filed must be given notice of the petition at least 3 weeks before the hearing on the matter. The state attorney may present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. If the court denies the petition, the court may set a future date at which the sexual predator may again petition the court for relief, subject to the standards for relief provided in this paragraph. Unless specified in the order, a sexual predator who is granted relief under this paragraph must comply with the requirements for registration as a sexual offender and other requirements provided under s. 943.0435 or s. 944.607. If a petitioner obtains an order from the court that imposed the order designating the petitioner as a sexual predator which removes such designation, the petitioner shall forward a certified copy of the written findings or order to the department in order to have the sexual predator designation removed from the sexual predator registry.

The sheriff shall promptly provide to the department the information received from the sexual predator.

(7) COMMUNITY AND PUBLIC NOTIFICATION.

(v) Law enforcement agencies must inform members of the community and the public of a sexual predator's presence. Upon notification of the presence of a sexual predator, the sheriff of the county or the chief of police of the municipality where the sexual predator establishes or maintains a permanent or temporary residence shall notify members of the community and the public of the presence of the sexual predator in a manner deemed appropriate by the sheriff or the chief of police. Within 48 hours after receiving notification of the presence of a sexual predator, the sheriff of the county or the chief of police of the municipality where the sexual predator temporarily or permanently resides shall notify each licensed day care center, elementary school, middle school, and high school within a 1-mile radius of the temporary or permanent residence of the sexual predator of the presence of the sexual predator. Information provided to members of the community and the public regarding a sexual predator must include:

1. The name of the sexual predator;
2. A description of the sexual predator, including a photograph;

3. The sexual predator's current address, including the name of the county or municipality if known:

4. The circumstances of the sexual predator's offense or offenses; and

5. Whether the victim of the sexual predator's offense or offenses was, at the time of the offense, a minor or an adult.

This paragraph does not authorize the release of the name of any victim of the sexual predator.

(b) The sheriff or the police chief may coordinate the community and public notification efforts with the department. Statewide notification to the public is authorized, as deemed appropriate by local law enforcement personnel and the department.

(c) The department shall notify the public of all designated sexual predators through the Internet. The Internet notice shall include the information required by paragraph (a).

(d) The department shall adopt a protocol to assist law enforcement agencies in their efforts to notify the community and the public of the presence of sexual predators.

(8) VERIFICATION.—The department and the Department of Corrections shall implement a system for verifying the addresses of sexual predators. The system must be consistent with the provisions of the federal Jacob Wetterling Act, as amended, and any other federal standards applicable to such verification or required to be met as a condition for the receipt of federal funds by the state. The Department of Corrections shall verify the addresses of sexual predators who are not incarcerated but who reside in the community under the supervision of the Department of Corrections. County and local law enforcement agencies, in conjunction with the department, shall verify the addresses of sexual predators who are not under the care, custody, control, or supervision of the Department of Corrections.

(9) IMMUNITY.—The department, the Department of Highway Safety and Motor Vehicles, the Department of Corrections, any law enforcement agency in this state, and the personnel of those departments; an elected or appointed official, public employee, or school administrator; or an employee, agency, or any individual or entity acting at the request or upon the direction of any law enforcement agency is immune from civil liability for damages for good faith compliance with the requirements of this section or for the release of information under this section, and shall be presumed to have acted in good faith in compiling, recording, reporting, or releasing the information. The presumption of good faith is not overcome if a technical or clerical error is made by the department, the Department of Highway Safety and Motor Vehicles, the Department of Corrections, the personnel of those departments, or any individual or entity acting at the request or upon the direction of any of those departments in compiling or providing information, or if information is incomplete or incorrect because a sexual predator fails to report or falsely reports his or her current place of permanent or temporary residence.

(10) PENALTIES

(a) Except as a sexual predator who, after registration, to mail license or identification required location information; who fails to tion with vacating a p wise fails, by act requirements of this third degree, punish 775.083, or s. 775.0

(b) A sexual pre found to have comm or guilty to, regardle attempted violation 787.025, where the is not the victim's p (8); s. 794.05; s. 847.0133; or s. 847. of another jurisdic tion or as a voluntee center, park, playgru regularly congrega degree, punishable 775.083, or s. 775.

[illegible]

(d) A sexual predation in violation of the act or omission was committed at the address of the victim which the convict committed offenses that meet the criteria as a sexual predator to be prosecuted for sexual predator in the county in which he is a predator.

(e) An arrest or service of an informal notice of this section, or an application of this section to register when the person is advised of his or her rights under subsection (c), shall not be required immediately following such arrest, se-

(10) PENALTIES.—

(a) Except as otherwise specifically provided, a sexual predator who fails to register; who fails, after registration, to maintain, acquire, or renew a driver's license or identification card; who fails to provide required location information or change-of-name information; who fails to make a required report in connection with vacating a permanent residence; or who otherwise fails, by act or omission, to comply with the requirements of this section, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A sexual predator who has been convicted of or found to have committed, or has pled nolo contendere or guilty to, regardless of adjudication, any violation, or attempted violation, of s. 787.01, s. 787.02, or s. 787.025, where the victim is a minor and the defendant is not the victim's parent; s. 794.011(2), (3), (4), (5), or (8); s. 794.05; s. 796.03; s. 800.04; s. 827.071; s. 847.0133; or s. 847.0145, or a violation of a similar law of another jurisdiction, when the victim of the offense was a minor, and who works, whether for compensation or as a volunteer, at any business, school, day care center, park, playground, or other place where children regularly congregate, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Any person who misuses public records information relating to a sexual predator, as defined in this section, or a sexual offender, as defined in s. 943.0435 or s. 944.607, to secure a payment from such a predator or offender; who knowingly distributes or publishes false information relating to such a predator or offender which the person misrepresents as being public records information; or who materially alters public records information with the intent to misrepresent the information, including documents, summaries of public records information provided by law enforcement agencies, or public records information displayed by law enforcement agencies on websites or provided through other means of communication, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(d) A sexual predator who commits any act or omission in violation of this section may be prosecuted for the act or omission in the county in which the act or omission was committed, the county of the last registered address of the sexual predator, or the county in which the conviction occurred for the offense or offenses that meet the criteria for designating a person as a sexual predator. In addition, a sexual predator may be prosecuted for any such act or omission in the county in which he or she was designated a sexual predator.

(e) An arrest on charges of failure to register, the service of an information or a complaint for a violation of this section, or an arraignment on charges for a violation of this section constitutes actual notice of the duty to register when the predator has been provided and advised of his or her statutory obligation to register under subsection (6). A sexual predator's failure to immediately register as required by this section following such arrest, service, or arraignment constitutes

grounds for a subsequent charge of failure to register. A sexual predator charged with the crime of failure to register who asserts, or intends to assert, a lack of notice of the duty to register as a defense to a charge of failure to register shall immediately register as required by this section. A sexual predator who is charged with a subsequent failure to register may not assert the defense of a lack of notice of the duty to register.

(f) Registration following such arrest, service, or arraignment is not a defense and does not relieve the sexual predator of criminal liability for the failure to register.

History.—s. 1, ch. 93-277; s. 1, ch. 95-264; s. 54, ch. 95-283; s. 61, ch. 96-388; s. 5, ch. 97-299; s. 3, ch. 98-81; s. 1, ch. 98-267; s. 1, ch. 2000-207; s. 3, ch. 2000-246; s. 113, ch. 2000-349; s. 1, ch. 2002-58; s. 1, ch. 2004-371; s. 33, ch. 2004-373.

775.24 Duty of the court to uphold laws governing sexual predators and sexual offenders.—

(1) The Legislature finds that, for the purpose of approving a plea agreement or for other reasons, certain courts enter orders that effectively limit or nullify requirements imposed upon sexual predators and sexual offenders pursuant to the laws of this state and prevent persons or entities from carrying out the duties imposed, or exercising the authority conferred, by such laws. The laws relating to sexual predators and sexual offenders are substantive law. Furthermore, the Congress of the United States has expressly encouraged every state to enact such laws, and has provided that, to the extent that a state's laws do not meet certain federal requirements, the state will lose significant federal funding provided to the state for law enforcement and public safety programs. Unless a court that enters such an order determines that a person or entity is not operating in accordance with the laws governing sexual predators or sexual offenders, or that such laws or any part of such laws are unconstitutional or unconstitutionally applied, the court unlawfully encroaches on the Legislature's exclusive power to make laws and places at risk significant public interests of the state.

(2) If a person meets the criteria in this chapter for designation as a sexual predator or meets the criteria in s. 943.0435, s. 944.606, s. 944.607, or any other law for classification as a sexual offender, the court may not enter an order, for the purpose of approving a plea agreement or for any other reason, which:

(a) Exempts a person who meets the criteria for designation as a sexual predator or classification as a sexual offender from such designation or classification, or exempts such person from the requirements for registration or community and public notification imposed upon sexual predators and sexual offenders;

(b) Restricts the compiling, reporting, or release of public records information that relates to sexual predators or sexual offenders; or

(c) Prevents any person or entity from performing its duties or operating within its statutorily conferred authority as such duty or authority relates to sexual predators or sexual offenders.

(3) If the court enters an order that affects an agency's performance of a duty imposed under the laws governing sexual predators or sexual offenders, or that

limits the agency's exercise of authority conferred under such laws, the Legislature strongly encourages the affected agency to file a motion in the court that entered such order. The affected agency may, within 1 year after the receipt of any such order, move to modify or set aside the order or, if such order is in the nature of an injunction, move to dissolve the injunction. Grounds for granting any such motion include, but need not be limited to:

- (a) The affected agency was not properly noticed.
- (b) The court is not authorized to enjoin the operation of a statute that has been duly adjudged constitutional and operative unless the statute is illegally applied or unless the statute or the challenged part of it is unconstitutional on adjudicated grounds.
- (c) Jurisdiction may not be conferred by consent of the parties.
- (d) To the extent that the order is based upon actions the agency might take, the court's order is premature and, if and when such actions are taken, these actions may be challenged in appropriate proceedings to determine their enforceability.
- (e) The injunction affects the public interest and would cause injury to the public.
- (f) The order creates an unenforceable, perpetual injunction.
- (g) The order seeks to restrict the agency in the performance of its duties outside the court's territorial jurisdiction.

History.—s. 4, ch. 98-81; s. 2, ch. 2002-58; s. 7, ch. 2004-371.

775.25 Prosecutions for acts or omissions.—A sexual predator or sexual offender who commits any act or omission in violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s. 944.607, or s. 947.177 may be prosecuted for the act or omission in the county in which the act or omission was committed, the county of the last registered address of the sexual predator or sexual offender, or the county in which the conviction occurred for the offense or offenses that meet the criteria for designating a person as a sexual predator or sexual offender. In addition, a sexual predator may be prosecuted for any such act or omission in the county in which he or she was designated a sexual predator.

History.—s. 5, ch. 98-81; s. 8, ch. 2004-371.

Note.—Repealed by s. 7, ch. 2001-124.

775.26 Registration of career offenders and public notification; legislative findings and intent.—The Legislature finds that certain career offenders, by virtue of their histories of offenses, present a threat to the public and to communities. The Legislature finds that requiring these career offenders to register for the purpose of tracking these career offenders and that providing for notifying the public and a community of the presence of a career offender are important aids to law enforcement agencies, the public, and communities if a career offender engages again in criminal conduct. Registration is intended to aid law enforcement agencies in timely apprehending a career offender. Registration is not a punishment, but merely a status. Notification to the public and communities of the presence of a career offender aids the public and communities in avoiding being victimized by a career offender. The Legislature

intends to require the registration of career offenders and to authorize law enforcement agencies to notify the public and communities of the presence of a career offender.

History.—s. 2, ch. 2002-266.

775.261 The Florida Career Offender Registration Act.

Act.—

(1) **SHORT TITLE.**—This section may be cited as "The Florida Career Offender Registration Act."

(2) **DEFINITIONS.**—As used in this section, the term:

(a) "Career offender" means any person who is designated as a habitual violent felony offender, a violent career criminal, or a three-time violent felony offender under s. 775.084 or as a prison releasee/reoffender under s. 775.082(9).

(b) "Chief of police" means the chief law enforcement officer of a municipality.

(c) "Community" means any county where the career offender lives or otherwise establishes or maintains a temporary or permanent residence.

(d) "Department" means the Department of Law Enforcement.

(e) "Entering the county" includes being discharged from a correctional facility, jail, or secure treatment facility within the county or being under supervision within the county with a career-offender designation as specified in paragraph (a).

(f) "Permanent residence" means a place where the career offender abides, lodges, or resides for 14 or more consecutive days.

(g) "Temporary residence" means:

1. A place where the career offender abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the career offender's permanent address;

2. For a career offender whose permanent residence is not in this state, a place where the career offender is employed, practices a vocation, or is enrolled as a student for any period of time in this state or

3. A place where the career offender routinely abides, lodges, or resides for a period of 4 or more consecutive or nonconsecutive days in any month and which is not the career offender's permanent residence, including any out-of-state address.

(3) **CRITERIA FOR REGISTRATION AS A CAREER OFFENDER.**—

(a) A career offender released on or after January 1, 2003, from a sanction imposed in this state for a designation as a habitual violent felony offender, a violent career criminal, or a three-time violent felony offender under s. 775.084 or as a prison releasee/reoffender under s. 775.082(9) must register as required under subsection (4) and is subject to community and public notification as provided under subsection (5). For purposes of this section, a sanction imposed in this state includes, but is not limited to, a fine, probation, community control, parole, conditional release, control release or incarceration in a state prison, private correctional facility, or local detention facility, and:

1. The career offender for any felony or other offense necessary for the operation of

2. A conviction of offense necessary to the has not been set aside in

ing.

(b) This section does not have been designated as to register under s. 775.2 as a sexual offender under s. 943.0. However, if a person is not a sexual predator and offender under s. 943.0 must register as a career offender if the person is otherwise offender as provided in

(c) A person subject offender is not subject felon under s. 775.13.

longer required to register this section, the person if required to do so under

(d) If a career offender imprisonment, the clerk the career offender's

warded to the department court renders its finding offender. The fingerprint

"Career Offender Registration"

(4) **REGISTRATION**

(a) A career offender

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Department of Correction

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